

REMARKS

The application has been amended to distinguish the claimed invention over the cited prior art and to place the application as a whole into *prima facie* condition for allowance at this time. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

Applicant again acknowledges with appreciation, the Examiner's indication that claims 12, 13, 25 and 26 were allowed. Applicant has amended claim 12 to remove a limitation previously added, that was not necessary for allowance of the claim. In addition, Applicant has amended claims 12, 13, 25 and 26, to clarify the grammar regarding the numbers of articles in the respective inner chambers. Applicant submits that the proposed amendments to claims 12, 13, 25 and 26 do not affect the scope of the claims and do not introduce any new subject matter into the claims, or the application as a whole. Entry, consideration and acceptance of the amendments to claims 12, 13, 25 and 26 are respectfully solicited.

The Examiner has indicated that claims 1 - 6, 11, 14 - 19, 22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Siegelman*, US 5,881,883 in view of *Heldwein*, US 5,097,949 and *Hill*, US 5,024,536. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims.

However, in view of the foregoing amendments to the claims, including the cancellation of claims 1 - 5, 10, and 14 - 18, that the Examiner's aforementioned bases for rejection of the claims are now moot.

Applicant formally presents, for the Examiner's consideration, new independent claims 27 and 28, and has amended the remaining dependent claims to depend, either directly or indirectly from one or the other of new independent claims 27 and 28.

Applicant respectfully submits that new independent claims 27 and 28 both patentably distinguish over all of the prior art of record, in particular, *Siegelman*, US 5,881,883; *Heldwein*, US 5,097,949; and *Hill*, US 5,024,536, whether taken alone or in combination with one another.

Applicant respectfully submits that *Siegelman*, US 5,881,883 fails to teach or suggest: 1) a vertical seam or seal in between the two seams proximate the edges such

as to create at least two inner chambers; 2) a permanent seal extending laterally across at least one of the at least two inner chambers, **at a position above the top edges of the first and second outer layers**, to join at least portions of the first and second inner layers to each other, to maintain any articles therewithin; or 3) the heights of the first **and** second outer layers being less than the heights of the first and second inner layers.

Applicant respectfully submits that *Heldwein*, US 5,097,949 likewise fails to teach or suggest: 1) a vertical seam or seal in between the two seams proximate the edges such as to create at least two inner chambers; 2) a permanent seal extending laterally across at least one of the at least two inner chambers, at a position above the top edges of the first and second outer layers, to join at least portions of the first and second inner layers to each other, to maintain any articles therewithin; or 3) the heights of the first and second **outer** layers being **less** than the heights of the first and second **inner** layers.

Applicant further respectfully submits that *Hill*, US 5,024,536 fails to teach or suggest: 1) a permanent seal extending laterally across at least one of the at least two inner chambers, **at a position above the top edges of the first and second outer layers**, to join at least portions of the first and second inner layers to each other, to maintain any articles therewithin; or 3) the heights of the first and second **outer** layers being **less** than the heights of the first and second **inner** layers.

In view of the foregoing, Applicant respectfully submits that Applicant's invention of both of new independent claims 27 and 28 patentably distinguish over each of the *Siegelman*, US 5,881,883; *Heldwein*, US 5,097,949; and *Hill*, US 5,024,536 references, whether taken individually or in combination. As such Applicant submits that each of new independent claims 27 and 28 should be allowed, and consideration and allowance of claims 27 and 28 are respectfully solicited.

Inasmuch as dependent claims 6 - 8, 11, 19 - 22 and 24 merely serve to further define the subject matter of new independent claims 27 and 28, respectively, these claims likewise should be deemed to patentably distinguish over all of the cited prior art in the application, and therefore, reconsideration and withdrawal of the rejections of

dependent claims 6 - 8, 11, 19 - 22 and 24, and allowance thereof, are likewise respectfully solicited.

Applicant submits that the application as a whole, including all of claims 6 - 8, 11 - 13, 19 - 22, 24, and 25 - 28, are in prima facie condition for allowance, and reconsideration and allowance of the application as a whole are respectfully solicited.


Applicant submits that in view of the cancellation of prior independent claims 1 and 14, and the cancellation of several of the dependent claims, that the total numbers of claims, and of independent claims has either decreased or remained constant, respectively, so that no fees for additional claims are required at this time.

Should anything further be required, a telephone call to the undersigned, at (312) 456-8400, is respectfully invited.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Dated: December 9, 2005


Douglas B. Teaney
One of Attorneys for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT AND COMMUNICATION is being deposited with the United States Postal Service via facsimile transmission, to the attention of Examiner Jerrold Johnson, Art Unit 3728, at fax number ~~703-872-9306~~, on December 9, 2005.
571 273 8300

